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15 Attorneys for Defendant/Third-Party Plaintiff
16 *DEMATIC CORP.*

17
18 **UNITED STATES DISTRICT COURT**
19 **STATE OF NEVADA**

20 ***

21 GUISELA AGUIRRE GUERRA,

22 Case No.: 3:18-cv-00376-LRH-CLB

23 Plaintiff,

24 vs.

25 DEMATIC CORP., a Delaware Corporation; DOES
1-25; and BLACK CORPORATIONS A-Z,

26 Defendants.

27 **STIPULATED PROTECTIVE ORDER**

28 DEMATIC CORP., a Delaware Corporation,

29 Third-Party Plaintiff,

30 vs.

31 SALLY BEAUTY SUPPLY, LLC F/K/A SALLY
32 BEAUTY COMPANY, INC.,

33 Third-Party
34 Defendant.

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1 The parties to this action, Defendant/Third-Party Plaintiff DEMATIC CORP. (“DEMATIC”),
2 Third-Party Defendant SALLY BEAUTY SUPPLY, LLC f/k/a SALLY BEAUTY COMPANY, INC.
3 (“SALLY”), and Plaintiff GUISELA AGUIRRE GUERRA (“Plaintiff”) (collectively, the “Parties”), by
4 their respective counsel, hereby stipulate and request that the Court enter a stipulated protective order
5 pursuant as follows:

6 1. Any party or non-party may designate as “confidential” (by stamping the relevant page or
7 other otherwise set forth herein) any document or response to discovery which that party or non-party
8 considers in good faith to contain information involving trade secrets, or confidential business or
9 financial information, subject to protection under the Federal Rules of Civil Procedure or Nevada law
10 (“Confidential Information”). Where a document or response consists of more than one page, the first
11 page and each page on which confidential information appears shall be so designated.

12 2. A party or non-party may designate information disclosed during a deposition or in
13 response to written discovery as “confidential” by so indicating in said response or on the record at the
14 deposition and requesting the preparation of a separate transcript of such material. Additionally, a party
15 or non-party may designate in writing, within twenty (20) days after receipt of said responses or of the
16 deposition transcript for which the designation is proposed, that specific pages of the transcript and/or
17 specific responses be treated as “confidential” information. Any other party may object to such proposal,
18 in writing or on the record. Upon such objection, the parties shall follow the procedures described in
19 paragraph 8 below. After any designation made according to the procedure set forth in this paragraph,
20 the designated documents or information shall be treated according to the designation until the matter is
21 resolved according to the procedures described in paragraph 8 below, and counsel for all parties shall be
22 responsible for making all previously unmarked copies of the designated material in their possession or
23 control with the specified designation.

24 3. All information produced or exchanged in the course of this case (other than information
25 that is publicly available) shall be used by the party or parties to whom the information is produced
26 solely for the purpose of this case.

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1 4. Except with the prior written consent of other parties, or upon prior order of this Court
2 obtained upon notice to opposing counsel, Confidential Information shall not be disclosed to any person
3 other than:

4 (a) counsel for the respective parties to this litigation, including in- house counsel and co-
5 counsel retained for this litigation;

6 (b) employees of such counsel;

7 (c) individual defendants, class representatives, any officer or employee of a party, to the
8 extent deemed necessary by Counsel for the prosecution or defense of this litigation;

9 (d) consultants or expert witnesses retained for the prosecution or defense of this
10 litigation, provided that each such person shall execute a copy of the Certification annexed to this Order
11 as Exhibit "A" (which shall be retained by counsel to the party so disclosing the Confidential
12 Information and made available for inspection by opposing counsel during the pendency or after the
13 termination of the action only upon good cause shown and upon order of the Court) before being shown
14 or given any Confidential Information and provided that if the party chooses a consultant or expert
15 employed by DEMATIC or SALLY or one of its competitors (as listed on Appendix A), the party shall
16 notify the opposing party, or designating nonparty, before disclosing any Confidential Information to
17 that individual and shall give the opposing party an opportunity to move for a protective order
18 preventing or limiting such disclosure;

19 (e) any authors or recipients of the Confidential Information;

20 (f) the Court, Court personnel, and court reporters; and

21 (g) witnesses (other than persons described in paragraph 4(e)). A witness shall sign the
22 Certification before being shown a confidential document. Confidential Information may be disclosed to
23 a witness who will not sign the Certification only in a deposition at which the party who designated the
24 Confidential Information is represented or has been given notice that Confidential Information shall be
25 designated "Confidential" pursuant to paragraph 2 above. Witnesses shown Confidential Information
26 shall not be allowed to retain copies.

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1 5. Any persons receiving Confidential Information shall not reveal or discuss such
2 information to or with any person who is not entitled to receive such information, except as set forth
3 herein.

4 6. Unless otherwise permitted by statute, rule or prior court order, papers filed with the
5 court under seal shall be accompanied by a contemporaneous motion for leave to file those documents
6 under seal, and shall be filed consistent with the court's electronic filing procedures in accordance with
7 Local Rule IA 10-5. Notwithstanding any agreement among the parties, the party seeking to file a paper
8 under seal bears the burden of overcoming the presumption in favor of public access to papers filed in
9 court. *Kamakana v. City and County of Honolulu*, 447 F.2d 1172 (9th Cir. 2006); *See also, Center for*
10 *Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016).

11 7. A party may designate as "Confidential" documents or discovery materials produced by a
12 non-party by providing written notice to all parties of the relevant document numbers or other
13 identification within thirty (30) days after receiving such documents or discovery materials. Any party
14 or non-party may voluntarily disclose to others without restriction any information designated by that
15 party or non-party as confidential, although a document may lose its confidential status if it is made
16 public.

17 8. If a party contends that any material is not entitled to confidential treatment, such party
18 may at any time give written notice to the party or non-party who designated the material. The party or
19 non-party who designated the material shall have twenty-five (25) days from the receipt of such written
20 notice to apply to the Court for an order designating the material as confidential. The party or non-party
21 seeking the order has the burden of establishing that the document is entitled to protection.

22 9. Notwithstanding any challenge to the designation of material as Confidential
23 Information, all documents shall be treated as such and shall be subject to the provisions hereof unless
24 and until one of the following occurs:

25 (a) the party or non-party claims that the material is Confidential Information withdraws
26 such designation in writing; or

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(b) the party or non-party who claims that the material is Confidential Information fails to apply to the Court for an order designating the material confidential within the time period specified above after receipt of a written challenge to such designation; or

(c) the Court rules the material is not confidential.

10. All provisions of this Order restricting the communication or use of Confidential Information shall continue to be binding after the conclusion of this action, unless otherwise agreed or ordered. Upon conclusion of the litigation, a party in the possession of Confidential Information, other than that which is contained in pleadings, correspondence, and deposition transcripts, shall either (a) return such documents no later than thirty (30) days after conclusion of this action to counsel for the party or non-party who provided such information, or (b) destroy such documents within the time period upon consent of the party who provided the information and certify in writing within thirty (30) days that the documents have been destroyed.

11. The terms of this Order do not preclude, limit, restrict, or otherwise apply to the use of documents at trial.

12. Nothing herein shall be deemed to waive any applicable privilege or work product protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of material protected by privilege or work product protection.

13. Any witness or other person, firm or entity from which discovery is sought may be informed of and may obtain the protection of this Order by written advice to the parties' respective counsel or by oral advice at the time of any deposition or similar proceeding.

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14. The Court's jurisdiction over the protective shall terminate upon dismissal of this case.

2 Dated this 27th day of April, 2022

3 SPRINGEL & FINK LLP

4 */s/ Chad D. Fuss*

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ADAM H. SPRINGEL, ESQ.
6 Nevada Bar No. 7187
7 NAKESHA S. DUNCAN-PEREZ, ESQ.
8 Nevada Bar No. 11556
9 CHAD D. FUSS, ESQ.
10 Nevada Bar No. 12744
11 9075 W. Diablo, Suite 302
12 Las Vegas, Nevada 89148
13 Attorneys for Defendant/Third-Party Plaintiff
14 *DEMATIC CORP.*

15 Dated this 27th day of April, 2022

16 LEWIS, BRISBOIS, BISGAARD & SMITH,
17 LLP

18 */s/ Alice K. Herbolsheimer*

19

ALICE K. HERBOLSHEIMER, ESQ.
20 Nevada Bar No. 6389
21 5555 Kietzke Lane, Suite 200
22 Reno, Nevada 89511
23 Attorneys for Third-Party Defendant
24 *SALLY BEAUTY SUPPLY*

25 Dated this 27th day of April, 2022

26 LAW OFFICE OF STEVEN P. BRAZELTON

27 */s/ Steven P. Brazelton*

28

STEVEN P. BRAZELTON, ESQ.
Nevada Bar No. 5882
601 S. Arlington Avenue
Reno, Nevada 89509
Attorneys for Plaintiff,
GUISELA AGUIRRE GUERRA

EXHIBIT "A"

CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated _____, in *Guerra v. Dematic, Corp., et. al.*, Civil No. 3:18-cv-00376-LRH-CLB. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information – including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information – including copies, notes or other transcriptions made therefrom – to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED:

ORDER

The terms of the above stipulation for a protective order by and between DEMATIC CORP., Third-Party Defendant SALLY BEAUTY SUPPLY, LLC f/k/a SALLY BEAUTY COMPANY, INC., and Plaintiff GUISELA AGUIRRE GUERRA, by their respective counsel, shall hereby be the ORDER of this Court.

DATED this 27th day of April, 2022

U.S. MAGISTRATE JUDGE
Case No.: 3:18-cv-00376-LRH-CLB

CERTIFICATE OF SERVICE
Guerra v. Dematic Corp., et al.
U.S.D.C. Case No.: 3:18-cv-00376

Pursuant to FRCP 5(b), on April 27, 2022 the foregoing document entitled: *Stipulated Protective Order* was served via electronic service through the United States District Court for the District of Nevada's ECF system and pursuant to Rule26(a)(1) on the following parties:

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Reno, Nevada 89509

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Attorney for Third-Party Defendant
SALLY BEAUTY SUPPLY

/s/ Ella Wilczynski

By: _____
An employee of SPRINGEL & FINK LLP

From: Steve Brazelton
To: Chad D. Fuss
Cc: Herbolsheimer, Alice; Nakesha Duncan-Perez; Ella Wilczynski; GuerravDematicCorpetalZ6182496@projects.filevine.com
Subject: Re: Guerra - Stipulated Protective Order
Date: Thursday, April 21, 2022 12:59:59 PM

OK to use my electronic signature Chad.

Steven P. Brazelton

Law Office of Steven P. Brazelton
601 South Arlington Avenue
Reno, Nevada 89509
775-826-2380
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sbrazelton@brazeltonlaw.com

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On Thu, Apr 21, 2022 at 10:38 AM Chad D. Fuss <cfuss@springelfink.com> wrote:

Steve and Alice-

Attached is a revised Stipulated Protective Order per the Court's order. Please let us know if we can use your electronic signature.

Thank you.

Chad D. Fuss
Attorney



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From: Herbolsheimer, Alice
To: [Chad D. Fuss](#); [Steve Brazelton](#)
Cc: Nakesha Duncan-Perez; [Ella Wilczynski](#); [GuerravDematicCorpetalZ6182496@projects.filevine.com](#)
Subject: RE: Guerra - Stipulated Protective Order
Date: Tuesday, April 26, 2022 5:16:43 PM
Attachments: [Logo_c83e4cca-d980-4cd9-bfb1-a403ccf5efc2.png](#)
[ABOTA_a6827958-d230-4867-b590-83193cddb176.png](#)

Okay to file with my e-signature.

Alice



Alice K. Herbolsheimer  ABOTA
Partner
Alice.Herbolsheimer@lewisbrisbois.com
T: 775.399.6372 F: 775.827.9256

5555 Kietzke Lane, Suite 200, Reno, NV 89511 | LewisBrisbois.com

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From: Chad D. Fuss <cfuss@springelfink.com>
Sent: Tuesday, April 26, 2022 12:07 PM
To: Steve Brazelton <sbrazelton@brazeltonlaw.com>
Cc: Herbolsheimer, Alice <Alice.Herbolsheimer@lewisbrisbois.com>; Nakesha Duncan-Perez <nduncan@springelfink.com>; Ella Wilczynski <ewilczynski@springelfink.com>; GuerravDematicCorpetalZ6182496@projects.filevine.com
Subject: [EXT] RE: Guerra - Stipulated Protective Order

Alice-

Can you please let us know if you agree to the revised protective order and we can add your electronic signature? See attached for your reference.

Thank you.

Chad D. Fuss
Attorney



9075 W. Diablo Drive., Suite 302 | Las Vegas, NV 89148
Tel: [\(702\) 804-0706](tel:(702)804-0706) | Fax: [\(702\) 804-0798](tel:(702)804-0798)

From: Steve Brazelton <sbrazelton@brazeltonlaw.com>
Sent: Thursday, April 21, 2022 1:00 PM
To: Chad D. Fuss <cfuss@springelfink.com>
Cc: Herbolsheimer, Alice <Alice.Herbolsheimer@lewisbrisbois.com>; Nakesha Duncan-Perez

<nduncan@springelfink.com>; Ella Wilczynski <ewilczynski@springelfink.com>;
GuerravDematicCorpeta176182496@projects.filevine.com

Subject: Re: Guerra - Stipulated Protective Order

OK to use my electronic signature Chad.

Steven P. Brazelton

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Chad D. Fuss
Attorney



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